IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 963 of 2005 (S/S)

Prakash Chandra Khukshal
S/o Shri Sachchidanand, Khukshal
R/o Village Kngorikhal,
Patwari Circle Kingori
Tehsil Pauri
District Pauri Garhwal … Petitioner

Versus

1. State of Uttaranchal through
   Secretary Education, Civil Secretariat
   Uttaranchal, Dehradun
2. District Education Officer
   Pauri Garhwal
3. Principal
   Government Inter College, Bilkhet
   District Pauri Garhwal … Respondents

Sri R.P. Nautiyal, learned counsel for the petitioner
Sri H. Belwal, learned standing counsel for the respondents

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 30.06.2005 (annexure No. 5 to the petition) passed by the respondent No. 2 i.e. District Education Officer, Pauri Garhwal.

Brief facts giving rise to this petition are that the petitioner was appointed as Assistant Teacher (L.T. Grade) in Commerce Subject in Government Inter College, Joshimath, District Chamoli. Thereafter, the petitioner was transferred to Government Inter College, Vedikhal, District Pauri Garhwal vide order dated 15.06.1997.

After joining of his new place of posting at Vedikhal, on 27.08.1997 he slapped a student, namely, Jaiveer Singh because he was undisciplined at the time of prayer, then this student committed mar-peet with the petitioner on the same day and on the same night Jaiveer Singh (Student) along with two antisocial elements came to the house of the

petitioner and threatened to kill him. Thereafter on the same night the petitioner lodged a First Information Report under Sections 353, 332, 452, 504 an 506 I.P.C. against the student Jaiveer Singh and his two associates at Patwari Circle Sawli-3, Vedikhal, Sub District Thalisain, District Pauri Garhwal.

After lodging the complaint, the petitioner was continuously threatened by the accused persons. A departmental enquiry was conducted by the Joint Director of Education, Garhwal Division, Pauri Garhwal and passed an order on 15.09.1997 by which the petitioner was adjusted in a vacant post of Assistant Teacher (L.T. Grade) in Physical Science in Government Inter College, Bilkhet, District Pauri Garhwal on the grounds of protection to the petitioner.

The District Education Officer, Pauri Garhwal transferred the petitioner vide order dated 30.06.2005 from Government Inter College, Bilkhet, District Pauri Garhwal to Government Inter College, Vedikhal, District Pauri Garhwal on the ground of "irrelevant subject".

Feeling aggrieved by the aforesaid impugned transfer order, the petitioner preferred this writ petition.

Heard learned counsel for the petitioner as well as learned counsel for the State and perused the record.

Learned counsel for the petitioner has stated that since the life of the petitioner has been put to danger at Vedikhal hence his transfer to the same place could not be in the interest of the administration.

Under these circumstances there shall be a constant terror to the life of the petitioner, which may effect the discharge of duties on the part of the petitioner.

In case, if the averments made by the petitioner in his writ petition are correct then the prayer of the petitioner appears to be innocuous because there was a danger to the life of the petitioner at Government Inter College, Vedikhal, District Pauri Garhwal and I, therefore, under the aforesaid circumstances should feel it just and proper that the respondent

No. 2 should consider the representation of the petitioner in a sympathetic and positive manner.

Accordingly, the petitioner is directed to move a representation before the respondent No. 2 with entire material along with certified copy of the judgment passed by this Court within a period of 10 days. The respondents No. 2 shall thereafter decide the representation of the petitioner within 15 days.

The petitioner shall not be relieved from his place of posting, till the disposal of his representation.

With the aforesaid observations, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

15.07.2005
ASWAL